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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

YIGDALL, MICHAEL J

ART UNIT	PAPER NUMBER
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2192

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,070

Applicant(s)

HILTGEN ET AL.

Examiner

Michael J. Yigdall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment and response filed on November 1, 2004 has been fully considered. Claims 1-32 are pending.

Response to Arguments

2. Applicant's arguments filed have been fully considered but they are not persuasive.

3. Applicant states that McCaleb discloses a server generating a script file that is sent to a client system over a network (Applicant's remarks, page 9, last paragraph), and contends, "the claimed invention requires a script program generated on a computer on which the patch will be applied instead of on the server" (Applicant's remarks, page 10, first paragraph).

However, this limitation is not recited in the rejected claims. For example, claim 1 recites merely "generating a script program" as the first step in "a method for creating a patch including content to apply to a computer." Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4. Applicant further contends that McCaleb fails to teach the use of conditional statements with attribute statements to determine if a patch should be applied (Applicant's remarks, page 10, first paragraph).

However, the script program disclosed by McCaleb uses commands and parameters, which is to say commands and attribute statements (see, for example, column 4, line 63 to column 5, line 16). McCaleb discloses that the results of these commands are used to determine whether and/or if a patch should be applied (see, for example, column 5, lines 24-50, "when ...

the most updated version is retrieved,” and conversely, “when ... there is nothing to download”). The application of a patch is conditional on the results of the commands, and thus the commands are conditional statements. Therefore, McCaleb teaches the use of conditional statements with attribute statements to determine if a patch should be applied.

5. Applicant further contends that McCaleb does not teach or suggest how to avoid the problem of executing a program or script to collect application information when an update is needed, and therefore fails to teach or suggest the elements of claim 1 (Applicant’s remarks, page 10, second paragraph).

However, as noted above, limitations from the specification are not read into the claims. Applicant’s description of “prior art” notwithstanding, the language of the claims does not exclude the teachings of McCaleb.

6. Applicant notes that the at least one conditional statement evaluates to true based on the presence of a software or hardware component indicated in a computer object for the computer on which the patch will be applied (Applicant’s remarks, page 10, last paragraph), and contends that Britton does not teach the use of conditional statements with attribute statements to determine if a patch should be installed (Applicant’s remarks, page 11, first paragraph).

However, as presented above, McCaleb teaches the use of conditional statements with attribute statements to determine if a patch should be applied. McCaleb also discloses that the results of the conditional statements are based on the presence of software components on the computer system (see, for example, column 5, lines 25-30). As acknowledged in the previous Office action, McCaleb does not expressly disclose that the conditional statements evaluate to

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true or false. Britton, however, discloses predicates that evaluate to true or false, which are used to select a version of a component (see, for example, column 9, line 48 to column 10, line 13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to supplement the script program of McCaleb with conditional statements such as taught by Britton, so as to select the appropriate version of a patch and facilitate the determination of whether to install the patch.

Therefore, McCaleb in view of Britton discloses the use of conditional statements with attribute statements to determine if a patch should be installed, wherein the conditional statements evaluate to true based on the presence of a software or hardware component indicated in a computer object for the computer on which the patch will be applied.

7. Applicant further contends, “McCaleb or Britton by itself does not suggest the claimed invention and therefore the combination does not suggest the claimed invention either” (Applicant’s remarks, page 11, second paragraph).

However, it should be noted that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981) and *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

8. Applicant’s arguments regarding Curtis (Applicant’s remarks, page 12, first paragraph), Nabahi (page 12, fifth paragraph) and Dodson (page 13, third paragraph) are analogous to the arguments addressed above, and, as presented above, McCaleb teaches the use of conditional statements with attribute statements to determine if a patch should be installed.

Terminal Disclaimer

9. The terminal disclaimer filed on November 1, 2004 disclaiming the terminal portion of any patent granted on this application that would extend beyond the expiration date of any patent granted on Application No. 09/851,923 has been reviewed and is accepted. The terminal disclaimer has been recorded.

10. The terminal disclaimer filed on November 1, 2004 disclaiming the terminal portion of any patent granted on this application that would extend beyond the expiration date of any patent granted on Application No. 09/852,113 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 5, 7-9, 13, 15-17, 21, 23-25, 29, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,751,794 to McCaleb et al. (art of record, "McCaleb") in view of U.S. Pat. No. 6,279,030 to Britton et al. (art of record, "Britton").

With respect to claim 1 (original), McCaleb discloses a method for creating a patch including content to apply to a computer (see, for example, the title and abstract), comprising:

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(a) generating a script program including at least one patch attribute statement, wherein each patch attribute statement is called with at least one conditional statement that returns a list of one or more patches if the at least one conditional statement evaluates as true based on a presence of a software or hardware component indicated in a computer object for the computer on which the patch will be applied, and wherein an attribute defined for the attribute statement is associated with the installation of the patch to the computer if the computer includes the returned list of patches (see, for example, column 4, line 59 to column 5, line 23, which shows generating a script with parameters or attributes for checking the software configuration of the client computer and returning a corresponding list of applications that may be updated); and

(b) associating the script program with the patch, wherein the script program executes and processes the computer object including information on installed software and hardware components to determine whether to install the patch on the computer based on attributes of the installation determined by the script program (see, for example, column 5, lines 24-50, which shows executing the script and processing the information from the client computer to determine whether to install an update patch).

Although McCaleb does not expressly disclose the limitation wherein the conditional statements evaluate to true or false, Britton discloses conditional predicates or statements with attributes that evaluate to true or false, the results of which are used to select a version of a component (see, for example, column 9, line 48 to column 10, line 13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to supplement the script program of McCaleb with conditional statements such as

taught by Britton, so as to select the appropriate version of a patch and facilitate the determination of whether to install the patch.

With respect to claim 5 (original), McCaleb in view of Britton further discloses the limitation wherein the patch attribute statements are further capable of including a patch constraint attribute called with at least one conditional statement, wherein the patch constraint attribute indicates that the patch can be installed in the computer if each conditional statement evaluates as true (see, for example, Britton, column 9, line 48 to column 10, line 13, which shows conditional predicates or statements with attributes or constraints that, when they evaluate to true, indicate that a component or patch may be selected).

With respect to claim 7 (original), McCaleb in view of Britton further discloses the limitation wherein the computer object is further capable of indicating a realization that defines a state of the computer, wherein the conditional statements are further capable of determining whether realizations are included in the computer object indicating the presence of the defined realization states at the computer, wherein the attribute for the patch attribute statement is associated with the installation of the patch to the computer if the at least one conditional statement is evaluated as true (see, for example, McCaleb, column 6, lines 34-39, which shows information indicating the hardware and software state of the client computer, and column 5, lines 24-50, which shows such information used in association with an update or patch to be installed; also see, for example, Britton, column 9, line 48 to column 10, line 13, which shows selecting a component when the corresponding conditional predicates or statements evaluate to true).

With respect to claim 8 (original), McCaleb in view of Britton further discloses the limitation wherein the patch attribute statement includes multiple conditional statements and a different list of patches for each conditional statement, wherein the attribute defined for the attribute statement is associated with the installation of the patch to the system if the system includes the returned list of patches for the conditional statement that evaluated as true (see, for example, McCaleb, column 5, lines 51-54, which shows that there may be several files to update for each software component that is checked, i.e. a different list of patches for each conditional statement; also see, for example, Britton, column 9, line 48 to column 10, line 13, which shows selecting a component when the corresponding conditional predicates or statements evaluate to true).

With respect to claim 9 (original), McCaleb discloses a system for determining whether to apply a patch including content onto a computer (see, for example, the title and abstract), comprising:

- (a) a processor (see, for example, column 7, lines 59-67);
- (b) a computer readable medium including a computer object including information on installed software and hardware components determined in the computer (see, for example, column 6, lines 34-39, which shows a database including information on installed software and hardware components of a client computer);
- (c) an interpreter program capable of interpreting (see, for example, column 5, lines 24-50, which shows a patch checker for interpreting information from the client computer to determine whether to install an update patch):

(i) a set of conditional statements that return a Boolean response based on a presence of a software or hardware component indicated in the computer object for the computer on which the patch will be applied (see, for example, column 4, line 59 to column 5, line 23, which shows conditional statements for checking the software configuration of the client computer on which the patch will be applied);

(ii) a patch attribute statement called with at least one conditional statement that returns a list of one or more patches if the at least one conditional statement evaluates as true, wherein a attribute defined for the attribute statement is associated with the installation of the patch to the computer if the computer includes the returned list of patches (see, for example, column 4, line 59 to column 5, line 23, which shows parameters or attributes for checking the client computer and returning a corresponding list of applications that may be updated); and

(iii) a script program including at least one patch attribute statement, wherein the script program statements and computer object are processed to determine whether the at least one conditional statement associated with each patch attribute statement is true and, if so, whether the patches in the returned list are included in the computer (see, for example, column 4, line 59 to column 5, line 23, which shows a script with parameters or attributes for checking the software configuration of the client computer).

Although McCaleb does not expressly disclose the limitation wherein the conditional statements return a Boolean response and evaluate to true or false, Britton discloses conditional predicates or statements with attributes that evaluate to true or false based on Boolean logic

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principles, the results of which are used to select a version of a component (see, for example, column 9, line 48 to column 10, line 13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to supplement the script program of McCaleb with conditional statements such as taught by Britton, so as to select the appropriate version of a patch and facilitate the determination of whether to install the patch.

With respect to claims 13, 15 and 16 (original), the limitations recited by these claims are analogous to the limitations recited by claims 5, 7 and 8, respectively. Therefore, the explanations for claims 5, 7 and 8 provided above apply to claims 13, 15 and 16 as well, respectively.

With respect to claim 17 (original), McCaleb discloses an article of manufacture including program code for determining whether to apply a patch including content to a computer (see, for example, the title and abstract, and column 7, lines 47-58) by:

- (a) providing a computer object including information on software and hardware components in the computer (see, for example, column 6, lines 34-39, which shows a database including information on installed software and hardware components of a client computer);
- (b) interpreting a script program including at least one patch attribute statement, wherein each patch attribute statement is called with at least one conditional statement that returns a list of one or more patches if the at least one conditional statement evaluates as true based on a presence of a software or hardware component indicated in the computer object for the computer on which the patch will be applied and wherein an attribute defined for the attribute statement is

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associated with the installation of the patch to the computer if the computer includes the returned list of patches (see, for example, column 4, line 59 to column 5, line 23, which shows a script with parameters or attributes for checking the software configuration of the client computer and returning a corresponding list of applications that may be updated); and

(c) processing the computer object including information on installed software and hardware components when executing the script program to determine whether to install the patch on the computer based on attributes of the installation determined by the script program (see, for example, column 5, lines 24-50, which shows processing the information from the client computer to determine whether to install an update patch).

Although McCaleb does not expressly disclose the limitation wherein the conditional statements evaluate to true or false, Britton discloses conditional predicates or statements with attributes that evaluate to true or false, the results of which are used to select a version of a component (see, for example, column 9, line 48 to column 10, line 13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to supplement the script program of McCaleb with conditional statements such as taught by Britton, so as to select the appropriate version of a patch and facilitate the determination of whether to install the patch.

With respect to claims 21, 23 and 24 (original), the limitations recited by these claims are analogous to the limitations recited by claims 5, 7 and 8, respectively. Therefore, the explanations for claims 5, 7 and 8 provided above apply to claims 21, 23 and 24 as well, respectively.

With respect to claim 25 (original), McCaleb discloses a computer readable medium including data structures for determining whether to apply a patch including content to a computer (see, for example, the title and abstract, and column 7, lines 47-58), comprising:

(a) a script program including at least one patch attribute statement wherein each patch attribute statement is called with at least one conditional statement that returns a list of one or more patches if the at least one conditional statement evaluates as true based on a presence of a software or hardware components in the computer on which the patch will be applied, and wherein an attribute defined for the attribute statement is associated with the installation of the patch to the computer if the computer includes the returned list of patches, and wherein the script program and information on installed software and hardware components are processed to determine whether to install the patch on the computer based on attributes of the installation determined by the script program (see, for example, column 4, line 59 to column 5, line 23, which shows a script with parameters or attributes for checking the software configuration of the client computer and returning a corresponding list of applications that may be updated, and column 5, lines 24-50, which shows processing the information from the client computer to determine whether to install an update patch).

Although McCaleb does not expressly disclose the limitation wherein the conditional statements evaluate to true or false, Britton discloses conditional predicates or statements with attributes that evaluate to true or false, the results of which are used to select a version of a component (see, for example, column 9, line 48 to column 10, line 13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to supplement the script program of McCaleb with conditional statements such as

taught by Britton, so as to select the appropriate version of a patch and facilitate the determination of whether to install the patch.

With respect to claims 29, 31 and 32 (original), the limitations recited by these claims are analogous to the limitations recited by claims 5, 7 and 8, respectively. Therefore, the explanations for claims 5, 7 and 8 provided above apply to claims 29, 31 and 32 as well, respectively.

13. Claims 2, 10, 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCaleb in view of Britton as applied to claims 1, 9, 17 and 25 above, respectively, and further in view of U.S. Pat. No. 6,442,754 to Curtis (art of record, "Curtis").

With respect to claim 2 (original), although McCaleb discloses that each update may comprise more than one file and that more than one update may be needed (see, for example, column 5, lines 51-54), McCaleb does not expressly disclose the limitation wherein the patch attribute statement is capable of comprising a patch requires statement, wherein the patch requires attribute indicates that the patches in the returned patch list must be installed in the computer in order for the patch to be installed in the computer.

However, Curtis discloses a dependency object for a program to be installed that indicates whether other files or programs are required and must also be installed (see, for example, column 9, lines 21-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to supplement the script program of McCaleb with a patch requires statement, such as

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the dependency object taught by Curtis, in order to indicate whether other patches must also be installed in the computer.

With respect to claims 10, 18 and 26 (original), the limitations recited by these claims are analogous to the limitations recited by claim 2. Therefore, the explanation for claim 2 provided above applies to claims 10, 18 and 26 as well.

14. Claims 3, 11, 19 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCaleb in view of Britton as applied to claims 1, 9, 17 and 25 above, respectively, and further in view of U.S. Pat. No. 6,266,811 to Nabahi (art of record, "Nabahi").

With respect to claim 3 (original), although McCaleb discloses attribute statements that are similar to commands interpreted by the operating system (see, for example, column 5, lines 1-6), McCaleb does not expressly disclose the limitation wherein the conditional and patch attribute statements utilize a syntax that is similar to a syntax of commands capable of being interpreted by a command processor interface of the computer operating system, and wherein the syntax of the conditional and patch attribute statements prevent the conditional and patch attribute statements from executing on the computer outside of a patch update interpreter that is capable of interpreting the syntax of the conditional and patch attribute statements.

However, Nabahi discloses a scripting language for installing software packages comprised of commands that are compiled and executed solely by a rule-based installation engine, i.e. a patch update interpreter (see, for example, column 5, lines 22-42), with a syntax that is similar to statements associated with the command processor interface of the operating

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system (see, for example, column 13, line 11 to column 14, line 64, which shows the syntax of some such commands).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the statements of McCaleb using a command syntax that is similar to one understood by the operating system and is interpreted solely by the installation engine or update interpreter, such as taught by Nabahi, so that the script would be intuitive (see, for example, Nabahi, column 14, line 65 to column 15, line 5) and compiled to enhance security (see, for example, Nabahi, column 2, line 57 to column 3, line 2).

With respect to claims 11, 19 and 27 (original), the limitations recited by these claims are analogous to the limitations recited by claim 3. Therefore, the explanation for claim 3 provided above applies to claims 11, 19 and 27 as well.

15. Claims 4, 12, 20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCaleb in view of Britton as applied to claims 1, 9, 17 and 25 above, respectively, further in view of Curtis and further in view of U.S. Pat. No. 6,513,159 to Dodson (art of record, "Dodson").

With respect to claim 4 (original), although McCaleb discloses checking the software configuration of the client computer to determine the versions of several applications (see, for example, column 5, lines 11-24), McCaleb does not expressly disclose the limitation wherein the patch attribute statements included in the script program are capable of including patch attribute statements that are members of the set of patch attribute statements comprising:

(a) a patch incompatible statement wherein the patch incompatible attribute indicates that if the patches in the returned patch list are installed in the computer, then the patch cannot be installed in the computer; and

(b) a patch prefers statement, wherein the patch prefers attribute indicates that the patches in the returned patch list are recommended to be installed in the computer.

However, Dodson discloses a list of packages known to work properly together that is used to identify incompatible combinations of drivers and devices when installing or updating another package (see, for example, column 3, lines 21-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to supplement the script program of McCaleb with a patch incompatible statement, in order to indicate whether the patch is incompatible with other patches installed in the computer, such as is achieved by the package list taught by Dodson.

Furthermore, Curtis discloses a dependency object for a program to be installed that indicates whether other files or programs are required and must also be installed (see, for example, column 9, lines 21-31). The dependency object may also be set such that it does not actually check for the other files and programs, and thus serves instead as list of preferred or recommended files (see, for example, column 9, lines 47-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to supplement the script program of McCaleb with a patch prefers statement, such as the dependency object taught by Curtis, in order to indicate whether other patches are recommended to be installed in the computer.

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With respect to claims 12, 20 and 28 (original), the limitations recited by these claims are analogous to the limitations recited by claim 4. Therefore, the explanation for claim 4 provided above applies to claims 12, 20 and 28 as well.

16. Claims 6, 14, 22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCaleb in view of Britton as applied to claims 1, 9, 17 and 25 above, respectively, and further in view of Dodson.

With respect to claim 6 (original), although McCaleb discloses information indicating the hardware and software state of the client computer (see, for example, column 6, lines 34-39), McCaleb does not expressly disclose the limitation wherein the conditional statements provided with the attribute statements are members of the set of conditional statements comprising:

(a) a first conditional statement that determines whether the computer object indicates that a specified vendor operating system is installed on the computer;

(b) a second conditional statement that determines whether the computer object indicates that a specified version of the operating system is installed on the computer;

(c) a third conditional statement that determines whether the computer object indicates that the computer includes a specified hardware platform; and

(d) an eighth conditional statement that determines whether the computer object indicates that the computer includes a specified architecture.

However, Dodson discloses checking the type and version of the operating system installed on the computer, the hardware configuration of the computer, and the architecture of the

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computer, in order to determine which drivers to install or update (see, for example, column 4, line 59 to column 5, line 43).

McCaleb further discloses the limitation wherein the conditional statements provided with the attribute statements are members of the set of conditional statements comprising:

(e) a fourth conditional statement that determines whether the computer object indicates that a specified software package having a specified version number is installed on the computer (see, for example, column 5, lines 24-50, which shows determining whether a software package installed on the client computer has a specific version number);

(f) a fifth conditional statement that determines whether the computer object indicates that a specified software package having a specified version number or higher is installed on the computer (see, for example, column 5, lines 24-50, which shows determining whether a software package installed on the client computer is up to date, i.e. has a specific version number or higher);

(g) a sixth conditional statement that determines whether the computer object indicates that a specified patch having a specified version number is installed on the computer (see, for example, column 5, lines 24-50, which shows determining whether a software package installed on the client computer, including any corresponding patches, has a specific version number); and

(h) a seventh conditional statement that determines whether the computer object indicates that a specified patch package having a specified version number or higher is installed on the computer (see, for example, column 5, lines 24-50, which shows determining whether a software package installed on the client computer, including any corresponding patches, is up to date, i.e. has a specific version number or higher).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the conditions taught by Dodson with the conditional statements of McCaleb, for the purpose of determining the operating system, hardware platform and architecture of the computer when checking a patch to be installed.

With respect to claims 14, 22 and 30 (original), the limitations recited by these claims are analogous to the limitations recited by claim 6. Therefore, the explanation for claim 6 provided above applies to claims 14, 22 and 30 as well.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (571) 272-3707. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MY

Michael J. Yigdall
Examiner
Art Unit 2122

mjy



TUAN DAM
SUPERVISORY PATENT EXAMINER